

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Ina Steiner,
David Steiner,
Steiner Associates, LLC,

Plaintiffs,

v.

No. 1:21-cv-11181

eBay, Inc.,
Progressive F.O.R.C.E. Concepts, LLC,
Devin Wenig,
Steve Wymer,
Wendy Jones,
James Baugh,
David Harville,
Brian Gilbert,
Stephanie Popp,
Stephanie Stockwell,
Veronica Zea,
Philip Cooke, and
John and Jane DOE,

Defendants.

**DEFENDANT DEVIN WENIG’S UNOPPOSED MOTION TO EXTEND THE
DEADLINE FOR SUPPLEMENTAL DISCOVERY**

Defendant Devin Wenig respectfully moves to extend the deadline for supplemental discovery of Jim Baugh from **June 13, 2025 to July 9, 2025** so that Mr. Baugh’s deposition, previously noticed for two days on **June 11–12, 2025**, may proceed on **July 8–9, 2025** instead. Plaintiffs and Defendants assent to the extension of Mr. Baugh’s deposition dates. Mr. Wenig makes this request due to an immovable attorney conflict, and the DOJ and BOP have also agreed to the new deposition dates.

As grounds for this motion, Mr. Wenig states as follows:

1. On March 27, 2025, Plaintiff submitted a status report indicating that “Plaintiffs have secured the cooperation of Jim Baugh to provide testimony at any trial or trials.” ECF No. 611 at 1.

2. On April 3, 2025, Wendy Jones moved to strike Plaintiffs’ proffer of future testimony from Defendant Jim Baugh or, in the alternative, moved for supplemental discovery. ECF No. 614; ECF No. 615.

3. On May 8, 2025, the Court denied Ms. Jones’s motion to strike but granted the motion for supplemental discovery. The Court provided a deadline of June 13, 2025 for the completion of all additional discovery. ECF No. 656.

4. After the Court issued its order, Defendants moved diligently to complete all additional discovery. This included scheduling the joint, multi-party deposition of Jim Baugh, which is currently noticed for two days on June 11–12, 2025.

5. However, Mr. Wenig’s lead trial counsel, Mr. Lowell, now has a scheduling conflict and is unable to attend Jim Baugh’s deposition on June 11–12, 2025.

6. Specifically, Mr. Lowell is currently on trial and the trial is likely to continue through June 13, 2025 in a case that was considered for a possible delay because of a writ of certiorari pending before the Supreme Court of the United States. The Supreme Court only denied the writ of certiorari on May 27, 2025, and the district court did not issue an order proceeding with trial until May 30, 2025.

7. After Mr. Lowell learned of this conflict, he worked with co-Defendants’ counsel, Plaintiff’s counsel, Jim Baugh’s counsel, and counsel representing the Government to find another date for the deposition. The earliest date that worked for all parties involved was July 8–9, 2025.

8. Each party attending Jim Baugh's deposition will be represented by lead trial counsel, and Mr. Wenig would like this same opportunity.

9. For these reasons, Mr. Wenig respectfully requests that the Court extend the deadline for supplemental discovery until July 9, 2025, so that the parties may conduct the two-day deposition on July 8–9, 2025.

10. Counsel for Mr. Baugh has authorized us to state that he requires additional time to complete supplemental discovery responses due to limitations on Mr. Baugh's ability to access and edit documents electronically and to communicate with counsel. In addition, emergent professional commitments in the schedule for Mr. Baugh's counsel would make the currently scheduled deposition dates very difficult to accommodate.

WHEREFORE, Defendant Devin Wenig respectfully moves this Court to grant an extension of time as outlined above to the deadline for supplemental discovery so that Mr. Baugh's deposition may proceed on July 8–9, 2025.

Dated: June 4, 2025

Respectfully submitted,

/s/ Abbe David Lowell

Abbe David Lowell (*pro hac vice*)

Lowell & Associates, PLLC

Second Floor

1250 H Street, N.W.

Washington, D.C. 20005

alowellpublicoutreach@lowellandassociates.com

O: 202-964-6110

F: +1 202-964-6116

Kelly A. Librera (*pro hac vice*)

WINSTON & STRAWN LLP

200 Park Avenue

New York, NY 10166

klibrera@winston.com

(212) 294-6700

Martin G. Weinberg, Esq.
Martin G. Weinberg PC
20 Park Plaza
Suite 1000
Boston, MA 02116
owlmgw@att.net
(617) 227-3700
Counsel for Devin Wenig

CERTIFICATE OF SERVICE

I, Abbe David Lowell, hereby certify that on this date, June 4, 2025, a true and correct copy of the foregoing document was served by CM/ECF to the parties registered to the Court's CM/ECF system.

/s/ Abbe David Lowell
Abbe David Lowell, Esq.